

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ----- | X | |
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| UNITED STATES OF AMERICA | : | |
| | : | CONSENT PRELIMINARY ORDER |
| - v. - | : | OF FORFEITURE/ |
| | : | <u>MONEY JUDGMENT</u> |
| DAMIAN CHAVEZ, | : | |
| a/k/a "Mario," | : | 20 Cr. 581 (PAC) |
| | : | |
| Defendant. | : | |
| ----- | X | |

WHEREAS, on or about October 27, 2020, DAMIAN CHAVEZ (the "Defendant"), was charged in a one-count Indictment, 20 Cr. 581 (PAC) (the "Indictment"), with narcotics conspiracy, in violation of Title 21, United States Code, Sections 846 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained;

WHEREAS, on or about September 1, 2020, the Government seized \$169,170 in United States currency from a black backpack located in the back seat of a White BMW X5 in which the Defendant was a passenger (the "Seized Currency");

WHEREAS, on or about August 18, 2021, a Declaration of Administrative Forfeiture was entered forfeiting all right, title and interest in the Seized Currency to the Government;

WHEREAS, on or about January 24, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to (i) Title 21, United States Code, Section 853, all property that constitutes or derives from proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Indictment, and all property used and intended to be used in any manner and part to commit and facilitate the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$169,170 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendant, Braulio Rene Lopez Salcido to the extent a forfeiture money judgment is entered against Braulio Rene Lopez Salcido in this case;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Rushmi Bhaskaran of counsel, and the Defendant, and his counsel, Marisa K. Cabrera, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$169,170 in United States currency (the "Money Judgment") representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendant, Braulio Rene Lopez Salcido to the extent a

forfeiture money judgment is entered against Braulio Rene Lopez Salcido in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DAMIAN CHAVEZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. The Seized Currency shall be applied towards the full satisfaction of the Money Judgment.


4. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

5. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
Rushmi Bhaskaran
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-3469


5/2/2022

DATE

DAMIAN CHAVEZ


By: 
Damian Chavez

05/05/2022
DATE

By: 
Marisa K. Cabrera, Esq.
Attorney for Defendant
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, NY 10007

5/5/2022
DATE

SO ORDERED:


HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

May 8, 2022
DATE